

JACQUELINE M. JAMES, ESQ.

THE JAMES LAW FIRM
445 HAMILTON AVENUE
SUITE 1102
WHITE PLAINS, NY 10601

T: (914) 358 6423
F: (914) 358 6424
JJAMES@JACQUELINEJAMESLAW.COM
JACQUELINEJAMESLAW.COM

MEMO ENDORSED

September 25, 2023

The Honorable Jessica G. L. Clarke
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: 1:23-cv-05439-JGLC; Plaintiff's Request for an Adjournment of the Initial Pretrial Conference

Dear Judge Clarke,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference until after the Defendant has been named and served.

On June 26, 2023, Plaintiff filed the instant case against John Doe subscriber assigned IP address 207.122.88.3 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1].

On July 18, 2023, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP. [CM/ECF 9].

On August 9, 2023, the Court entered an Order granting Plaintiff leave to serve a third-party subpoena [CM/ECF 11].

Plaintiff served Defendant's ISP with a third-party subpoena on or about August 16, 2023, and in accordance with the time allowances provided to both the ISP and Defendant, expects to receive the ISP response on or about December 26, 2023.

Pursuant to the Initial Pretrial Scheduling Order entered on June 27, 2023 there is an Initial Conference scheduled for October 5, 2023 at 11:00 a.m. [CM/ECF 6]. Because Plaintiff does not expect to receive the ISP response until December 26, 2023 and Defendant's identity is currently unknown to Plaintiff, Plaintiff is unable to confer with counsel for Defendant at this time and submit a joint letter and proposed Case Management Plan.

For the foregoing reasons, Plaintiff respectfully requests that the Initial Pretrial Conference currently scheduled for October 5, 2023 be adjourned until after the Defendant has been named and served with the summons and Amended Complaint.

Respectfully Submitted,

By: /s/Jacqueline M. James
Jacqueline M. James, Esq. (1845)
The James Law Firm, PLLC
445 Hamilton Avenue, Suite 1102
White Plains, New York 10601
T: 914-358-6423
F: 914-358-6424
jjames@jacquelinejameslaw.com

Application GRANTED. The initial pretrial conference is hereby RESCHEDULED to **February 8, 2024 at 10:00 a.m.**

SO ORDERED.

A handwritten signature in blue ink that reads "Jessica Clarke". The signature is written in a cursive, flowing style.

JESSICA G. L. CLARKE
United States District Judge

Dated: September 26, 2023
New York, New York